

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET
NEWARK, NEW JERSEY
PUBLIC SESSION MINUTES
THURSDAY, SEPTEMBER 25 , 2014**

A meeting of the New Jersey Board of Chiropractic Examiners was held on September 25, 2014 at the State Office Building, 124 Halsey Street, 7th floor, Newark, New Jersey in the Somerset Conference Room on the 6th floor. The meeting was convened in accordance with the provisions of the Open Public Meetings Act with previous notification having been sent to the Secretary of State and the following publications: The Record, Newark Star Ledger, Camden Courier Post, Trenton Times and Asbury Park Press to advise of the scheduling of this meeting. The meeting was called to order by David Allen, D.C., President of the Board, at 9:50 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

David A. Allen, D.C.	Present
Rosemary Calio, BSN, RN, D.C.	Present
Paul Lyons, D.C.	Present
Lawrence O'Connor, D.C.	Present
Thomas A. Senatore, Sr., D.C.	Excused
Michael Spadafino, D.C.	Present
Albert Stabile, Jr., D.C.	Present
John Traier	Absent
James L. Winters, D.C.	Present

Also present were: **Virginia Class-Matthews, Deputy Attorney General; Lisa Tadeo, Executive Director; and Tracy Steel, Board Staff.**

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF JULY 24, 2014

A motion was made by Dr. Spadafino, which was seconded by Dr. Calio, to approve the public session minutes from the July 24, 2014 Board meeting as amended. A vote was taken and the motion passed with all members voting in favor.

II. CONTINUING EDUCATION COMMITTEE

The continuing education committee reviewed 87 courses submitted by continuing education sponsors. The committee recommended that 78 courses be approved based on the information submitted for these courses. The committee identified 4 courses where sponsor will be requested to provide additional information. A motion was made by Dr. O'Connor and seconded by Dr. Stabile, to approve the 78 courses as recommended by the committee. A vote was taken and motion passed with all members present voting in favor.

- A. Institute for Continuing Education
Course - From Superfoods to Supplements
- Change of Instructor

The Institute for Continuing Education advised the Board that the approved course, "From Superfoods to Supplements" will be given with a new course lecturer, Whitney Abneman, MS, RDN. The Institute for Continuing Education provided the Board with a copy of Ms. Abneman's Curriculum Vitae for its review.

A motion was made by Dr. Spadafino and seconded by Dr. O'Connor to acknowledge that the qualifications of Ms. Abneman as lecturer of this course were supported by her Curriculum Vitae. The Board approved the substitute lecturer. A vote was taken and the motion passed with all members present voting in favor.

- B. Apex Energetics
RE: Response

Apex Energetics provided more detailed information concerning their courses. A motion was made by Dr. O'Connor and seconded by Dr. Spadafino to accept the pending Apex Energetics courses. The Board will inform Apex Energetics that attendees should know the laws of the State that they hold a license. A vote was taken and the motion passed with all members present voting in favor.

- C. European Chiropractic Union
Course - Celebrating Diversity

The Board will ask for European Chiropractic Union a course description for the course, "Celebrating Diversity".

- D. Logan University
Course - Loomis Institute Seminar Two

The Board will ask Logan University for a detailed explanation for the length of time of the examination.

- E. University of Bridgeport
Course - Connecticut Chiropractic Council X-travaganza 2014

University of Bridgeport submitted the course, "Connecticut Chiropractic Council X-travaganza 2014" and asked that it be approved for 10.5 credits.

A motion was made by Dr. Spadafino and seconded by Dr. Stabile to approve the course, "Connecticut Chiropractic Council X-travaganza 2014" for 10 credits. The Board denied .5 credit for the presentation concerning the Palmer family as it does not meet the continuing education requirements. A vote was taken and the motion passed with all members present voting in favor.

III. FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB)

Dr. O'Connor provided the Board with a verbal update on FCLB activities.

IV. NEW BUSINESS

Upon a motion made by Dr. Spadafino, which was seconded by Dr. Calio, the Board voted to go into Executive Session to review and discuss applications for reinstatement. The Board returned to public session to continue the meeting and vote on the applications for reinstatement.

A. Application for Reinstatement

1. William Yu, D.C.

A motion was made by Dr. Stabile, which was seconded by Dr. Spadafino, to request that Dr. Yu appear before the Board to discuss his reinstatement application. A vote was taken and the motion passed with all members present voting in favor.

2. Yanal Kazan, D.C.

A motion was made by Dr. Stabile, which was seconded by Dr. Calio, to request that Dr. Kazan appear before the Board to discuss his application. A vote was taken and the motion passed with all members present voting in favor.

3. Laura Dowling, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to advise Dr. Dowling that the Board will consider her application for reinstatement once it receives a verification of her chiropractic license from the Bermuda licensing agency. A vote was taken and the motion passed with all members present voting in favor.

4. Peter Marinkovic, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to approve Dr. Marinkovic's application for reinstatement. A vote was taken and the motion passed with all members present voting in favor.

5. Scott Huber, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Lyons, to approve Dr. Huber's application for reinstatement. A vote was taken and the motion passed with all members present voting in favor.

B. Inquiry from Blessen Abraham, D.C.
RE: Scope of Practice

Dr. Abraham is inquiring whether he can request a compounding pharmacy to custom make a vitamin for nutrition, rather than the patient taking multiple vitamins they can have one tablet with the complete nutritional value of multiple.

A motion was made by Dr. O'Connor, which was seconded by Dr. Lyons, to inform Dr. Abraham that although writing prescriptions is not within the scope of practice, a chiropractor can recommend the formulation of a vitamin for a particular patient as long as it is within the recommended dosage and it is beneath a dosage that would require a prescription. A vote was taken and the motion passed with all members present voting in favor.

C. Inquiry from Yola Barbosa, D.C.
RE: Scope of Practice

Dr. Barbosa submitted an inquiry questioning whether she is required to perform a chiropractic examination if she takes on a patient only for nutritional counseling.

A motion was made by Dr. Calio, which was seconded by Dr. O'Connor, to inform Dr. Barbosa that she would need to adhere to the statutes and regulations governing the practice of chiropractic in the State of New Jersey, which includes performing a chiropractic examination and maintaining contemporaneous, permanent patient record for each person seeking chiropractic services, regardless of whether any care is actually rendered or whether any fee is charged. A vote was taken and the motion passed with all members present voting in favor.

D. Inquiry from Kevin Holton, D.C.
RE: Scope of Practice

Dr. Holton submitted an inquiry regarding a denial of coverage from insurance for one of his patients. The reason for denial was "custom orthotics are outside of scope of practice for chiropractors".

A motion was made by Dr. Calio, which was seconded by Dr. O'Connor, to inform Dr. Holton that provided it is consistent with the practice of chiropractic, custom orthotics are within the scope of practice. A vote was taken and the motion passed with all members present voting in favor.

- E. Inquiry from David Klayman, D.C.
RE: Scope of Practice

Dr. Klayman is inquiring whether he would need a Clinical Laboratory Improvement Amendment (CLIA) certificate to perform a urinalysis for the Department of Transportation (DOT) medical examiner program.

A motion was made by Dr. O'Connor, which was seconded by Dr. Spadafino, to inform Dr. Klayman that performing a urinalysis is within the scope of chiropractic practice and he does not need a CLIA certificate. A vote was taken and the motion passed with all members present voting in favor.

- F. Inquiry from Mrs. McCarthy
RE: Scope of Practice

Mrs. McCarthy submitted an inquiry as to whether an individual would need to be certified or licensed if they perform ultra-sound and "electric stim" while working as the chiropractor's assistant.

A motion was made by Dr. Spadafino, which was seconded by Dr. Stabile, to refer Mrs. McCarthy to the regulation, N.J.A.C. 13:44E-2.7(c)5. A vote was taken and the motion passed with all members present voting in favor.

- G. Inquiry from Yigal Sasan, D.C.
RE: Scope of Practice

Dr. Sasan inquired whether a chiropractor could perform, interpret, or refer and bill for Videonystagmography (VNG) in the State of New Jersey.

A motion was made by Dr. Calio, which was seconded by Dr. Spadafino, to inform Dr. Sasan that chiropractors can perform and bill for VNG pursuant to N.J.A.C. 13:44E-3.2(c)8. A vote was taken and the motion passed with all members present voting in favor.

- H. Inquiry from Diana Carnpanaro
RE: Scope of Practice

An inquiry was received from Diana Carnpanaro regarding Chiropractors writing prescriptions for nutritional supplements. She would like to know the rules and regulations for a Chiropractor submitting a prescription to a compounding pharmacy to formulate one supplement for a patient instead of them taking multiple pills on their own. The Pharmacy would then bill the insurance company for the compound vitamin.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to inform Dr. Ms. Carnpanaro that although writing prescriptions is not within the scope of practice, a chiropractor can recommend that a vitamin be formulated for a particular patient as long as it is within the recommended dosage and it is beneath a dosage that would require a prescription. A vote was taken and the motion passed with all members present voting in favor.

V. OLD BUSINESS

- A. Letter from Preston B. Deutsch, D.C.
RE: Continuing Education
- CPR course

Dr. Deutsch was requested by the Board Dr. Deutsch provided information about the content and hours of a CPR course that she completed.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to inform Dr. Deutsch that the CPR course is acceptable and can count towards the continuing education requirement. A vote was taken and the motion passed with all members present voting in favor.

VI. INFORMATIONAL

- A. Norman W. Eastburn, D.C.
Consent Order filed September 3, 2014

The Board reviewed a Consent Order filed September 3, 2014 in the matter of Norman W. Eastburn, D.C. and considered this to be informational.

- B. Chiropractic Summit
Article "If You Get a Request for Records - Respond!"

The Board reviewed the article and considered it to be informational.

ADJOURNMENT

The Board returned to Public Session and a motion was made by Dr. O'Connor which was seconded by Dr. Calio to adjourn the meeting at 12:15 P.M. A vote was taken and the motion passed with all members present voting in favor.

Respectfully submitted,

Lisa Tadeo
Executive Director